

## **LOCAL RULES FOR KOSCIUSKO COUNTY, INDIANA, FOR CRIMINAL CASE ASSIGNMENT**

### **LOCAL RULE 1 – CASE ASSIGNMENT**

(As amended effective January 1, 2005)

1. All cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7, shall be assigned to Kosciusko Superior Court No. 3.
2. All felonies filed under Title 35, Article 42, Chapter 1 (Homicide) and those filed under Title 35, Article 48 (Controlled Substances) shall be filed in the Kosciusko Circuit Court. (Amended effective January 1, 2005)
3. All other felonies shall be assigned to the Kosciusko Superior Court No. 1 and Kosciusko Circuit Court on an alternating basis.
4. All misdemeanors shall be assigned to the Kosciusko Superior Court No. 2.
5. All cases filed under Title 31, Article 6, Chapter 4 (Juvenile) of the Indiana Code shall be initially assigned to the Kosciusko Superior Court No. 1. In the event a child is waived into adult court, the case shall be reassigned to the appropriate court in accordance with the preceding provisions of this rule.
6. In the event the case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule.

**LOCAL RULES FOR KOSCIUSKO COUNTY,  
INDIANA, FOR CRIMINAL CASE ASSIGNMENT**

**LOCAL RULE 1 - CASE ASSIGNMENT**

1. All cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7, shall be assigned to Kosciusko Superior Court No. 3.
2. All other felonies shall be assigned to the Kosciusko Superior Court No. 1 and Kosciusko Circuit Court on an alternating basis.
3. All misdemeanors shall be assigned to the Kosciusko Superior Court No. 2.
4. All cases filed under Title 31, Article 6, Chapter 4 (Juvenile) of the Indiana Code shall be initially assigned to the Kosciusko Superior Court No. 1. In the event a child is waived into adult court, the case shall be reassigned to the appropriate court in accordance with the proceeding provisions of this rule.
5. In the event the case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule.

**LOCAL RULE 2 - TRANSFER**

A judge of any Kosciusko Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to any other court of record in the county with jurisdiction to hear the charged offense any pending case subject to acceptance by the receiving court.

**LOCAL RULE 3 - REFILING AND SUBSEQUENT FILINGS**

- A. In the event the State of Indiana dismisses a case, any subsequent case filed against such defendant within the next six months shall be assigned to the court from which the dismissal was taken.
- B. In the event additional charges are filed against a criminal defendant subsequent to the assignment of the case, all such additional charges to be resolved in conjunction with the pending case shall be assigned to the court of initial assignment.

#### **LOCAL RULE 4A - REASSIGNMENT**

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Circuit Court:

1. The Honorable Duane G. Huffer  
Judge of the Kosciusko Superior Court No. 1
2. The Honorable Michael D. Cook  
Judge of the Marshall Circuit Court
3. The Honorable Daniel J. Vanderpool  
Judge of the Wabash Circuit Court

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-2.1-7-8 temporarily transfers the above judges to the Kosciusko Circuit Court for the purpose of reassignment in criminal cases.

#### **LOCAL RULE 4B - REASSIGNMENT**

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 1:

1. The Honorable Rex L. Reed  
Judge of the Kosciusko Circuit Court
2. The Honorable Michael D. Cook  
Judge of the Marshall Circuit Court
3. The Honorable Daniel J. Vanderpool  
Judge of the Wabash Circuit Court

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-2.1-7-8 temporarily transfers the above judges to the Kosciusko Superior Court No. 1 for purpose of reassignment of criminal cases.

#### **LOCAL RULE 4C - REASSIGNMENT**

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 2:

1. The Honorable Rex L. Reed  
Judge of the Kosciusko Circuit Court
2. The Honorable Duane G. Huffer  
Judge of the Kosciusko Superior Court No. 1
3. The Honorable Joe V. Sutton  
Judge of the Kosciusko Superior Court No. 3

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-2.1-7-8 temporarily transfers the above judges to the Kosciusko Superior Court No. 2 for the purpose of reassignment of criminal cases.

#### **LOCAL RULE 4D - REASSIGNMENT**

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 3:

1. The Honorable Rex L. Reed  
Judge of the Kosciusko Circuit Court
2. The Honorable Duane G. Huffer  
Judge of the Kosciusko Superior Court No. 1
3. The Honorable James C. Jarrette  
Judge of the Kosciusko Superior Court No. 2

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-2.1-7-8 temporarily transfers the above judges to the Kosciusko Superior Court No. 3 for the purpose of reassignment of criminal cases.


## LOCAL RULE 4E - REASSIGNMENT

In the event it becomes necessary to reassign a criminal case in the Kosciusko Circuit Court, Kosciusko Superior Court No. 1, Kosciusko Superior Court No. 2 or Kosciusko Superior Court No. 3, the cases will be reassigned in consecutive order to the above noted judges.

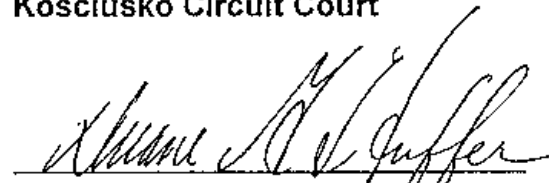
## LOCAL RULE 5 APPOINTMENT OF SPECIAL JUDGE

In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.


September 17, 1999.



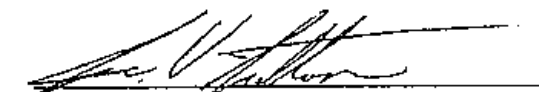
Rex L. Reed, Judge  
Kosciusko Circuit Court



Duane G. Huffer, Judge  
Kosciusko Superior Court No. 1



James C. Jarrette, Judge  
Kosciusko Superior Court No. 2



Joe V. Sutton, Judge  
Kosciusko Superior Court No. 3

STATE OF INDIANA

IN THE KOSCIUSKO SUPERIOR COURT NO. 1  
JUVENILE DIVISION

KOSCIUSKO COUNTY

**GENERAL ORDER REGARDING  
MENTAL HEALTH ASSESSMENT AND TREATMENT**

WHEREAS, the Kosciusko County Superior Court No. 1, Juvenile Division, has Juvenile jurisdiction over persons in Kosciusko County;

WHEREAS, from time to time, juvenile residents of Kosciusko County, Indiana, are placed in the Juvenile Justice Center, the secure detention facility in St. Joseph County, Indiana, controlled and administered by St. Joseph Probate Court;

WHEREAS, from time to time, persons in secure detention need mental health assessment and treatment;

WHEREAS, the parents or guardians of said juvenile detainees are not always available to sign consents for mental health assessments and treatment;

WHEREAS, failure to provide mental health assessment and treatment might adversely affect the safety and well being of the juvenile;

WHEREAS, information from the mental health assessment and treatment are essential to the treatment and rehabilitation of the juvenile;

WHEREAS, all persons who are parties to the case and who are employed by Kosciusko Superior Court No. 1, Juvenile Division, and the staff of the Juvenile Justice Center, need this information;

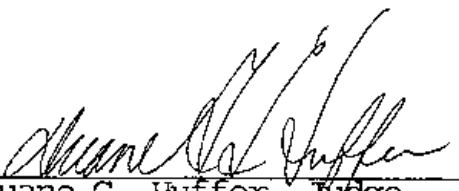
**THE COURT ORDERS:**

1. Juveniles who are admitted to the Juvenile Justice Center, a secure detention facility in St. Joseph County, shall when appropriate receive mental health assessment and treatment.
2. The staff of the Juvenile Justice Center are authorized to share this information.
3. A copy of this order shall have the full force and effect of the original on file in the Clerk's Office of the Kosciusko County.

Dated: June 26, 1998.

**FILED**  
JUN 26 1998

*Marsha McSherry*  
mentalhe.org  
CLERK KOSCIUSKO SUPERIOR COURT NO. 1

  
Duane G. Huffer, Judge  
Kosciusko Superior Court No. 1  
Juvenile Division

IN THE CIRCUIT AND SUPERIOR COURTS OF KOSCIUSKO COUNTY  
KOSCIUSKO COUNTY JUSTICE BUILDING  
121 NORTH LAKE STREET  
WARSAW, INDIANA 46580

**FILED**  
IN OPEN COURT

**STANDING ORDER OF THE COURTS  
RELATING TO DISCOVERY**

MAR 18 1997

*Marsha McSherry*  
CLERK KOSCIUSKO CIRCUIT COURT

THE KOSCIUSKO CIRCUIT COURT AND THE SUPERIOR COURTS OF  
KOSCIUSKO COUNTY, STATE OF INDIANA, DO NOW, IN GENERAL SESSION,  
PROMULGATE THIS ORDER.

IT IS, THEREFORE, ORDERED that:

1. State Disclosure

The State shall disclose to the Defense the following  
material and information within its possession or control on  
or before thirty (30) days from the date of initial hearing  
of the Defendant:

- (a) The names and last known addresses of persons whom the  
State may call as witnesses, together with their  
relevant written or recorded statements, memoranda  
containing substantially verbatim reports of their oral  
statements and a list of memoranda reporting or  
summarizing their oral statements.
- (b) Any written or recorded statements and the substance of  
any oral statements made by the accused or by a co-  
defendants, and a list of witnesses to the making and  
acknowledgment of such statements.
- (c) A transcript of those portions of grand jury minutes  
containing testimony of persons whom the prosecuting  
attorney may call as witnesses at the hearing or trial,

STANDING ORDER OF THE COURTS RELATING TO DISCOVERY  
PAGE 2

as designated by the defense after listening to the recording of the testimony.

- (d) Any reports or statements of experts, made in connection with the particular case, including the results of physical or mental examinations and of scientific tests, experiments or comparisons.
- (e) Any books, papers, documents, photographs or tangible objects which the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused.
- (f) Any record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial.
- (g) Any evidence which tends to negate the guilt of the accused as to the offense charged or which would tend to mitigate the accused's punishment.
- (h) Any Evidence Rule 404(b) evidence.

The State may comply with this Order (1) in any manner it and the Defense agree to, or (2) by notifying defense counsel that material and information, described in general terms, may be inspected, obtained, tested, copied, or photographed at specified reasonable times and places.

2. Defendant Disclosure

The Defense shall disclose to the State the following



STANDING ORDER OF THE COURTS RELATING TO DISCOVERY  
PAGE 3

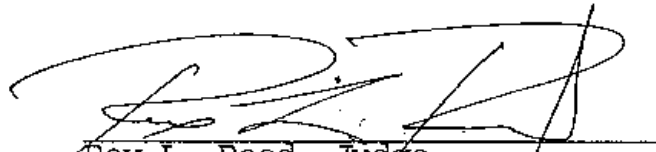
material and information within its possession or control on or before omnibus date.

- (a) The names and addresses of persons whom the defendant may call as witnesses.
  - (b) Any books, papers, documents, photographs, or tangible objects which are intended to be used at a hearing or trial.
  - (c) Any medical or scientific reports relating to the defendant or defendant's evidence which may be used at a hearing or trial.
  - (d) Any defenses, procedural or substantive, which the defendant intends to make at a hearing or a trial.
3. Any objections to the discovery order must be filed within fourteen (14) days prior to omnibus date.
4. The State and the Defendant shall file with the Court Certificate of Compliance with the Order on or before pre-trial conference.
5. Continuing Discovery and Sanctions
- (a) Discovery is a continuing Order through trial.
  - (b) No written motion is required except to compel discovery, for a protective order, or for an extension of time.
  - (c) Failure of either side to comply with this Order within

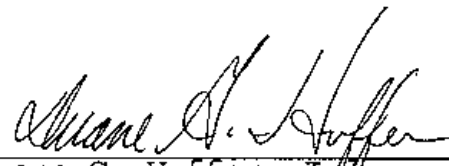
STANDING ORDER OF THE COURTS RELATING TO DISCOVERY  
PAGE 4

fourteen (14) days before trial may result in exclusion of  
evidence at trial or other appropriate sanction.

DATED AND ORDERED THIS 18TH DAY OF MARCH, 1997.




Rex L. Reed, Judge  
Kosciusko Circuit Court



Duane G. Huffer, Judge  
Kosciusko Superior Court No. 1



James C. Jarrette, Judge  
Kosciusko Superior Court No. 2



Joe V. Sutton, Judge  
Kosciusko Superior Court No. 3

Circuit Order Book 285 page 18

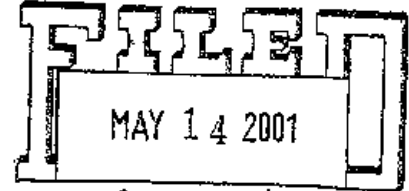
Superior No. 1 Order Book 106 page 18

Superior No. 2 Order Book March, 97 page 18

Superior No. 3 Order Book March, 97 page 18 (Felony)  
diecov02.ord

Superior No. 3 ORDER BOOK MARCH, 97 page 18 (Small Claims)

IN THE CIRCUIT AND SUPERIOR COURTS OF KOSCIUSKO COUNTY  
KOSCIUSKO COUNTY JUSTICE BUILDING  
121 NORTH LAKE STREET  
WARSAW, INDIANA 46580



*Sharon Christner*  
CLERK KOSCIUSKO CIRCUIT COURT

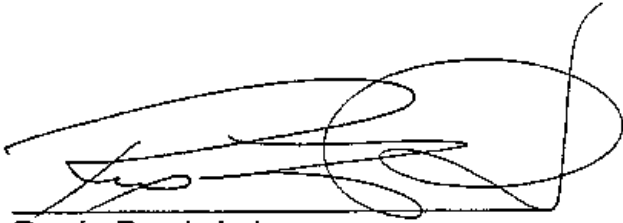
**A GENERAL AND STANDING ORDER OF THE COURTS  
RELATING TO JUDICIAL SALES OF LAND**

The Kosciusko Circuit Court and the Superior Courts of Kosciusko County, State of Indiana, do now, in general session, promulgate this order.

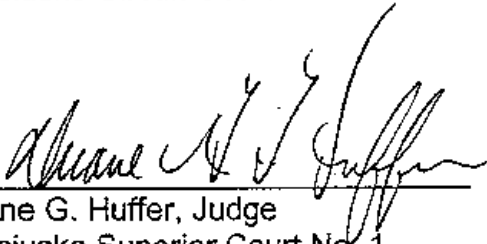
**IT IS ORDERED:**

In the case of any judicial sale of land, including without limitation mortgage and lien foreclosures, execution sales, sales by receivers, assignees for the benefit of creditors, guardians or trustees, or partition sale, the judgment creditor, person seeking the sale, or officer conducting the sale to procure a qualified title opinion or a title insurance policy from a title insurance company authorized to do business in Indiana with respect to the interest of the person whose land is being sold. The policy must be conditioned to cover the purchase price at the sale and may be given with any necessary exclusions. The opinion or policy shall run to all parties interested in the litigation and to any purchaser or purchasers at the sale. The opinion or policy or copy thereof shall be available for inspection in the court from which the sale is being conducted or in the office of the court officer conducting the sale at the first notice of sale and shall be made available for inspection at the sale. Expenses of the opinion or policy shall be taxed as costs like other expenses of the sale and paid from the first proceeds of the sale. The opinion or policy shall not cover defects arising in the conduct of the sale. The court in its discretion may, in the proper case, on motion duly made grant relief from the strict requirements of this order.

DATED AND ORDERED THIS 14<sup>TH</sup> DAY OF MAY, 2001.



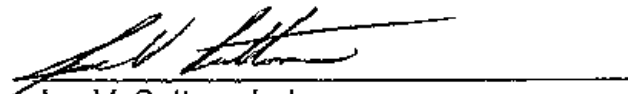
Rex L. Reed, Judge  
Kosciusko Circuit Court



Duane G. Huffer, Judge  
Kosciusko Superior Court No. 1



James G. Jarrette, Judge  
Kosciusko Superior Court No. 2

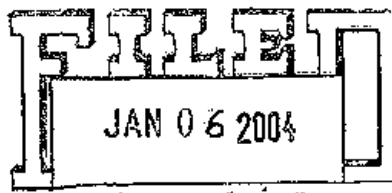


Joe V. Sutton, Judge  
Kosciusko Superior Court No. 3

Reference, Indiana Rule of Trial Procedure, Rule 69(F)

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Superior No. 1 Order Book        page



*Sharon Christner*  
IN THE CIRCUIT AND SUPERIOR COURTS OF KOSCIUSKO COUNTY  
KOSCIUSKO COUNTY JUSTICE BUILDING  
121 NORTH LAKE STREET  
WARSAW, INDIANA 46580

**GENERAL AND STANDING ORDER OF THE COURTS  
RELATING TO CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT**

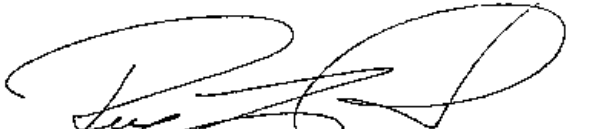
The Kosciusko Circuit Court and the Superior Courts of Kosciusko County, State of Indiana, do now, in general session, promulgate this Order.

**IT IS ORDERED:**

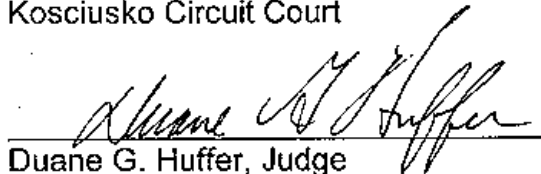
1. Indiana Parenting Time Guidelines adopted by the Supreme Court of Indiana by Order dated 22 December 2000 are hereby adopted as the Parenting Time Guidelines of these Courts.
2. Indiana Child Support Rules and Guidelines adopted by the Supreme Court of Indiana effective 1 January 2004 are hereby adopted as the child support rules and guidelines of these Courts.
3. That each party (or the party's attorney) shall record with the Clerk within ten days of the case decree certain information, that information being each party's name, address and place of residence and telephone number, the address and location of the children for whom support is provided, together with social security numbers of each party and each child; and the place of employment and the name and address and tax identification number of the party's employer.
4. A copy of this Order shall be attached to each party's copy of any order granting custody of any child.

This Order supersedes the Court's **General and Standing Order Relating to Child Custody, Visitation and Support** dated January 4, 2001.

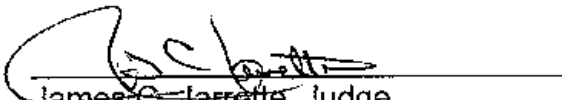
**DATED AND ORDERED THIS 6<sup>th</sup> DAY OF JANUARY, 2004.**



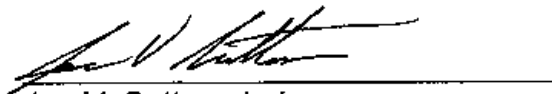
Rex L. Reed, Judge  
Kosciusko Circuit Court



Duane G. Huffer, Judge  
Kosciusko Superior Court No. 1



James C. Jarrette, Judge  
Kosciusko Superior Court No. 2



Joe V. Sutton, Judge  
Kosciusko Superior Court No. 3

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**IN THE CIRCUIT AND SUPERIOR COURTS OF KOSCIUSKO COUNTY  
KOSCIUSKO COUNTY JUSTICE BUILDING  
121 NORTH LAKE STREET  
WARSAW, INDIANA 46580**

**A GENERAL AND STANDING ORDER OF THE COURTS  
RELATING TO COURT FILES**

The Kosciusko Circuit Court and the Superior Courts of Kosciusko County, State of Indiana, do now in general session, promulgate this Order.

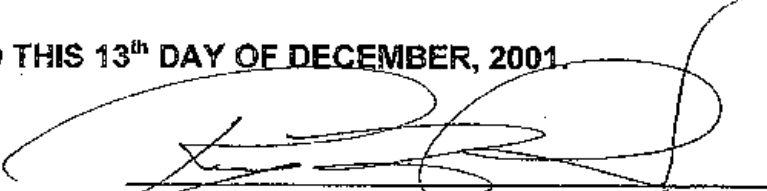
**IT IS ORDERED:**

Effective January 1, 2002, Court files will not be removed from the Kosciusko County Justice Building without the express written consent of the Clerk of the Court and the giving of a receipt for such file if consent is given.

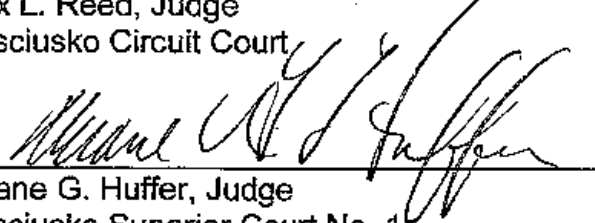
Routine court filings shall be made in the Clerk's Office and left with the Clerk for delivery to the appropriate Court.

Attorneys may continue direct filings with the Court, however, the Court file must be secured by the attorney from the Clerk's Office and a sign-out sheet signed by the attorney requesting the file for direct filing. After completing the direct filing, the file will either be left with the Court or in the case of probate filings, personally returned by the attorney to the Probate Clerk.

**DATED AND ORDERED THIS 13<sup>th</sup> DAY OF DECEMBER, 2001.**



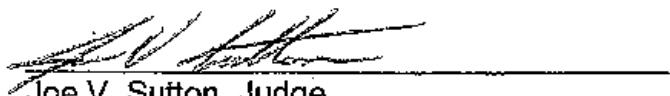
Rex L. Reed, Judge  
Kosciusko Circuit Court



Duane G. Huffer, Judge  
Kosciusko Superior Court No. 1



James C. Jarrette, Judge  
Kosciusko Superior Court No. 2



Joe V. Sutton, Judge  
Kosciusko Superior Court No. 3